

UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

Kenneth Edward CUMMINGS

Case: 2:23-mj-30377

Assigned To : Unassigned

Assign. Date : 9/15/2023

Case No.

Description: RE: SEALED MATTER
(EOB)

CRIMINAL COMPLAINT

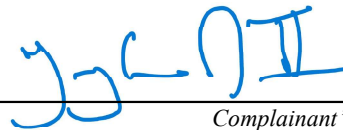
I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 9, 2023 in the county of Wayne in the
Eastern District of Michigan, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. 922(g)(1)

Felon in possession of a firearm

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.Sworn to before me and signed in my presence
and/or by reliable electronic means.Date: September 15, 2023City and state: Detroit, Michigan*Complainant's signature*Task Force Officer Terry Cross-Nelson - ATF*Printed name and title**Judge's signature*Honorable Anthony P. Patti, U.S. Magistrate Judge*Printed name and title*

**AFFIDAVIT IN SUPPORT OF
CRIMINAL COMPLAINT**

I, Task Force Officer Terry Cross-Nelson, being duly sworn, hereby state as follows:

I. INTRODUCTION AND AGENT BACKGROUND

1. I am a Police Detective with the City of Detroit and have been a member of the Detroit Police Department (DPD) since November 2002. I was promoted to the rank of Detective in August 2014. I have been a member of the DPD's Firearms Investigation Team (FIT) since December 2022. FIT is a Federal partnership between the DPD and the Bureau of Alcohol, Tobacco, Firearms, and Explosives (ATF). During my experience as a DPD Detective and a Task Force Officer, I have investigated numerous firearm cases, including but not limited to felon in possession of a firearm.

2. I make this affidavit from personal knowledge based on my participation in this investigation. The information comes from witnesses interviewed by law enforcement, communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience.

3. This affidavit is for the limited purpose of establishing probable cause that Kenneth CUMMINGS (DOB: xx/xx/1967) has violated 18 U.S.C. § 922(g)(1), felon in possession of a firearm, and does not contain all details or facts known to law enforcement related to this investigation.

II. PROBABLE CAUSE

4. I reviewed a computerized criminal history, Michigan Third Circuit Court records, and Eastern District of Michigan records for CUMMINGS, which revealed the following felony arrests and convictions.

a. On November 18, 2003, CUMMINGS was found guilty in Wayne County 3rd Circuit Court of Felony Home Invasion 1st Degree.

CUMMINGS was sentenced to 4 months confinement and 18 months of probation.

b. On June 29, 2006, CUMMINGS pled guilty to Felon in Possession of a Firearm, in violation of 18 U.S.C. § 922(g)(1), in Case No. 2:05-cr-80959 (E.D. Michigan). On December 20, 2006, Judge Tarnow sentenced CUMMINGS to a 57-month term of imprisonment, followed by two years of supervised release.

c. On July 01, 2021, CUMMINGS pled guilty in Oakland County 6th Circuit Court to Operating While Intoxicated/3rd Offense Notice. CUMMINGS was sentenced to 1,468 days in jail following by 2 years of probation.

5. Because CUMMINGS has been convicted of multiple felony offenses, has served a significant period of incarceration as a result of those convictions, and

was sentenced for a felony as recently as 2021, there is probable cause to believe that CUMMINGS is aware of his status as a convicted felon.

6. On September 9, 2023, DPD Police Officers were on patrol in the area of W. Buena Vista and La Salle Blvd in Detroit when they came across a group of individuals that appeared to be drinking and were loitering in the middle of the street.

7. As the officers' patrol car approached the group, both officers observed a black male, later identified as CUMMINGS, who had a revolver tucked into his waistband on the right side of his body, in plain view.

8. Officers got out of the car and approached CUMMINGS—they could see the revolver sticking out of his waistband, still in plain view. One officer asked CUMMINGS if he had a concealed pistol license, to which CUMMINGS stated “No.” The other officer then removed the firearm from CUMMINGS' waistband, while the first officer placed CUMMINGS in handcuffs. The firearm was identified as a Colt Python, .357 revolver, serial number 25421E. Officers also recovered six live rounds from the firearm.

9. The officers then confirmed via LEIN that CUMMINGS did not have a concealed pistol license. CUMMINGS was arrested and conveyed to the Detroit Detention Center for housing and processing.

10. On September 13, 2023, I contacted ATF Interstate Nexus Expert Special Agent Kara Klupacs, and provided a verbal description of the Colt Python,

.357 revolver recovered from CUMMINGS on September 9, 2023. SA Kara Klupacs advised the firearm was manufactured outside of the State of Michigan, and therefore has traveled in and affected interstate commerce.

III. CONCLUSION

11. Based upon the aforementioned facts, there is probable cause to believe Kenneth CUMMINGS (B/M; DOB: XX/XX/1967), a convicted felon aware of his felony convictions, did knowingly and intentionally possess a Colt Python, .357 revolver, said firearm having affected interstate commerce, in violation of 18 U.S.C. 922(g)(1) (felon in possession of a firearm). Said violation occurring on or about September 9, 2023, in the city of Detroit, in the County of Wayne, in the Eastern Judicial District of Michigan.

Respectfully submitted,



Terry Cross-Nelson
Task Force Officer, ATF

Sworn to before me and signed in my presence
and/or by reliable electronic means.



Hon. David R. Grand
United States Magistrate Judge

Dated: September 15, 2023